89-725

Supreme Court, U.S.
FILED
SEP. 20, 1989
JOSEPH F. SPANIOL, JR.
CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1989

LORNA L. NELSON,

Petitioner,

v.

PRN PRODUCTIONS, INC., ET AL.,

Respondents.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

HERMAN H. BAINS
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COUNSEL FOR PETITIONER

OF COUNSEL:

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November 2, 1989

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UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 88-5193MN

Lorna L. Nelson,	*	
	*	
Appellant,	*	Order Denying Petition
	*	for Rehearing and
vs.	*	Suggestion for
	*	Rehearing En Banc
PRN Productions,	*	
Inc., et al,	*	
	*	
Appellees.	*	

The suggestion for rehearing en banc filed by appellant Lorna L. Nelson has been considered by the court and is denied by reason of the lack of a majority of the active judges voting to rehear the case en banc.

Petition for rehearing by the panel is also denied.

June 26, 1989

Order entered at Direction of the Court:

/s/ Robert D. St. Vrain

Clerk, U.S. Court of Appeals, Eighth Circuit

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

88-5193

Lorna L. Nelson, Plaintiff-Appellant,	*	
v.	*	Appeal from the United States District Court for the District of Minnesota.
PRN Productions, Inc., Prince Rogers Nelson, John L. Nelson, and Duane J. Nelson, Defendants-Appellees.	*	

Submitted: March 17, 1989

Filed: May 3, 1989

Before FAGG and BEAM, Circuit Judges, and GUNN,* District Judge.

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* The Honorable George F. Gunn, Jr., United States District Judge for the Eastern District of Missouri, sitting by designation.

GUNN, District Judge

Lorna L. Nelson brought this cause in the District Court of Minnesota against her half-brother, Prince Rogers Nelson; her brother, Duane J. Nelson; her father, John L. Nelson; and PRN Productions, Inc. Prince Rogers Nelson performs under the single cognomen, "Prince," and is a well-known recording artist, performer, and songwriter of rock music. PRN is a corporation with its principal place of business in Chanhassen, Minnesota and engaged in the business of manufacturing, producing, and distributing phonograph records featuring Prince. John Nelson and Duane Nelson are believed to be employees either of Prince or of PRN.

Count I of the complaint alleges that the song, "U Got the Look," manufactured, produced and distributed by PRN and Prince,

constituted an infringement of Lorna's copyrighted work, "What's Cooking in This Book," in violation of federal copyright law. A second count was for an accounting under state law for compensation John received from Prince and PRN for the use of lyrics Lorna allegedly co-authored. The district judge[1] granted defendants' motion to dismiss Count I based on his determination that no substantial similarity existed between Lorna's lyrics and the allegedly infringing lyrics. The court dismissed Count II for lack of jurisdiction. Lorna did not appeal from this latter ruling. The district court denied Lorna's request to take Prince's deposition pending its ruling on the

---

[1] The Honorable David S. Doty, United States District Judge for the District of Minnesota.

motion to dismiss.

The issues before the court on appeal are: (1) Whether the district court erred in its determination that no copyright infringement occurred, and, (2) whether the district court abused its discretion in denying appellant's discovery requests. Because the Court finds the district court acted properly on both issues, we affirm.

The Copyright Claim

17 U.S.C. §106[2] sets forth the exclusive entitlements granted to the holder of a copyright. Sections 107 through 118

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[2] The full text of 17 U.S.C. §106 is as follows:

> §106. Exclusive rights in copyrighted works.
>
> Subject to sections 107 through 118, the owner of copyright under this title has the exclusive right to do and to authorize any of the following:

provide exceptions to the exclusive entitlements. Section 501 establishes a cause of action against "anyone who violates any of the exclusive rights of

---

> (1) to reproduce the copyrighted work in copies or phonorecords;
>
> (2) to prepare derivative works based upon the copyrighted work;
>
> (3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
>
> (4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and
>
> (5) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly.

the copyright owner as provided by sections 106 through 118 * * * ." 17 U.S.C. §501(a).

To establish a violation of section 106, the plaintiff must show:

1. Plaintiff's ownership of the allegedly infringed work; and

2. Defendant's "copying" of the copyrighted work.

Knickerbocker Toy Co. v. Agrak-Hamway Internat'l., 668 F.2d 699, 702 (2d Cir. 1982); Walker v. University Books, 602 F.2d 859,862 (9th Cir. 1979); see also 3 M. Nimmer, Nimmer on Copyright §13.01 at 13-3 (1981). Copying may be proven either by direct evidence or by demonstrating circumstantial evidence establishing "access and 'substantial similarity' of the two works." Knickerbocker Toy Co., 668 F.2d at 702, quoting Novelty

Textile Mills, Inc. v. Joan Fabrics Corp., 558 F.2d 1090 (2nd Cir. 1977).

In this case, defendants have stipulated to plaintiff's ownership of a valid copyright and to defendant's access to plaintiff's song.[3] Thus, the only element in dispute is substantial similarity.

The two lyrics were appended to plaintiff's complaint and to her appellate brief. Lorna's copyrighted lyric, "What's Cooking In This Book," is 35 lines long, arranged in six verses, and comprised of 176 words. Prince's lyric, "U Got the Look" is approximately 47 lines long, arranged in eight verses, and comprised of 242 words.

---

[3] Where the similarity between the original and the copy is so striking as to preclude any possibility of independent creation, access may be inferred. Ferguson v. National Broadcasting Co., 584 F.2d 111, 113 (5th Cir. 1978).

Specifically, the alleged infringing portions are as follows:

Lorna's lyric	Prince's lyric
Verse Two I glanced up and saw you, a smile so pretty.	Verses Two and Seven I woke up, I've never seen such a pretty girl.
Verse Three Makeup was rolling down my face	Verse Five A whole hour just to make up your face
Verse Six What's cooking in this book, what's cooking in this book	Verses Four and Six U sho 'nuf do be cooking in my book
Verses One and Six Take a look Take another look	Verses One and Seven U got the look

Plantiff attempts to analogize her case to Harper & Row Publishers v. Nation Enterprises, 471 U.S. 539 (1985). But that case is infelicitous here. In Harper & Row, a portion of a soon-to-be published memoir appeared verbatim in The Nation

Magazine with defendants neither taking issue with the validity of plaintiff's copyright nor with the allegation that they copied a portion of plaintiff's work verbatim. Therefore, instead of challenging the strength of Harper & Row's prima facie case, The Nation Magazine argued that its admitted copying of a portion of the memoir constituted a "fair use".

In this case plaintiff contends that the district court erroneously directed its attention exclusively to the issue of substantial similarity instead of inquiring as to whether "the use" of plaintiff's work was a Harper & Row "fair use." But plaintiff's contention in this regard is simply an attempt to side-step the necessity of proving infringement by raising and then dismantling a

defense which the defendants have not chosen to assert. Defendants have not applied "fair use" as a defense, and the trial court therefore correctly declined to discuss the application of that doctrine. Instead, it properly addressed the issue of substantial similarity.

Hartman v. Hallmark Cards, Inc., 833 F.2d 117, 120 (8th Cir. 1987), incites the law in this Circuit pertaining to substantial similarity:

> Determination of substantial similarity involves a two-step analysis. There must be substantial similarity 'not only of the general ideas but of the expressions of those ideas as well.' First, similarity of ideas is analyzed extrinsically, focusing on objective similarities in the details of the works. Second, if there is substantial similarity in ideas, similarity of expression is evaluated using an intrinsic test depending on the response of the ordinary, reasonable person to the forms of expression.

Id.

The District Court had before it here complete copies of both Lorna's song and Prince's and was therefore in proper position to apply the substantial similarity test.

This Court held in Hartman that where both works are in the record, the trial court has sufficient evidence upon which to enter summary judgment. The second step of the substantial similarity analysis does not call for "analytical dissection" or "expert opinion." Rather, "substantial similarity of expression is measured by . . . the response of the ordinary, reasonable person." Id. The so-called extrinsic test has been said not to depend upon the trier of fact, therefore, but on such objective criteria as "the type of artwork involved,

the materials used, the subject matter, and the setting for the subject." Sid & Marty Krofft Television Prods., Inc. v. McDonald's Corp., 562 F.2d 1157, 1164 (9th Cir. 1977). The District Court was capable of making this determination. Hartman, 833 F.2d at 120.

In this case, the trial court carefully studied the lyrics involved and determined that reasonable minds could not differ as to the absence of substantial similarity. The trial judge could properly determine the matter of substantial similarity as a matter of law and did so by granting defendants' motion to dismiss the copyright count on the ground that it failed to state a claim for infringing use. On review, this Court cannot conclude that a mistake has been committed by such ruling.

Discovery

Plaintiff also alleges that the trial court abused its discretion by refusing to allow her further discovery. That is not so.

Plaintiff proposed, primarily, to take Prince's deposition. She asserts that she would have sought to discover facts bearing upon the availability of the fair use defense and whether PRN and Prince would admit or deny copying any of the expressions in plaintiff's lyric.

In discovery matters, the trial court has wide discretion. The determination of what constitutes relevant information rests with the sound discretion of the trial court. This Court has already noted that defendants never advanced fair use as a defense. Rather, they refute plaintiff's claim that

defendants copied her song on the basis of an absence of substantial similarity. Thus, this Court cannot find that the court below abused its discretion in denying plaintiff's requests for discovery designed to refute a defense defendants did not raise.

Similarly, because defendants did admit ownership and access, the Court finds plaintiff's alleged interest in whether defendants would admit copying to be totally irrelevant. Had defendants admitted copying, they would have admitted plaintiff's case. Clearly, defendants denied copying on the basis that no substantial similarity existed between plaintiff's and defendants' lyrics. Therefore, this purported basis for further discovery on plaintiff's behalf also lacks merit. The district court cannot

be said to have abused its discretion in denying discovery on this basis.

Conclusion

For all of the foregoing reasons, we find that the district court properly granted defendants' motion to dismiss and denied plaintiff's discovery motions. Accordingly, the judgment of the District Court is hereby affirmed.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS,
EIGHTH CIRCUIT

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

Lorna L. Nelson, Plaintiff,	)	Civil No. 4-87-722
v.	)	ORDER
PRN Productions, Inc., Prince Rogers Nelson, John L. Nelson, and Duane J. Nelson, Defendants.	)	

Herman H. Bains, Esq., 608 Second Avenue South, Suite 1010, Minneapolis, MN 55402, appeared on behalf of the plaintiff.

Jerry W. Snider, Esq. and Faegre & Benson, 2300 Multifoods Tower, 33 South Sixth Street, Minneapolis, MN 55402, appeared on behalf of the defendants.

This action for copyright infringement

FILED 4-28-88

JUDGMENT ENTERED _____

is before the Court upon defendants' motion to dismiss Count I and Count II of the Complaint. Defendants base their motion on Count I on the lack of substantial similarity between plaintiff's and defendant's lyrics. Assuming Count I is dismissed, defendants argue that Count II must be dismissed for lack of subject matter jurisdiction.

DISCUSSION

I. Copyright Infringement

Count I of plaintiff's Complaint alleges that her lyrics "WHAT's COOKING IN THIS BOOK" is registered for copyright and that defendants PRN Productions and Prince Rogers Nelson have released a record entitled "U GOT THE LOOK" which infringes on her lyrics in violation of the Copyright Act.

To establish copyright infringement,

the plaintiff must establish that defendant copied work in which plaintiff owned a valid copyright. Copying may be inferred from evidence that the defendant had access to the copyrighted work and that substantial similarities exist as to the protectible material in the two works. Walker v. Time Life Films, Inc., 784 F.2d 44, 48 (2nd Cir. 1986). For purposes of this motion, defendants have conceded that the Complaint sufficiently alleges plaintiff's ownership of the registered copyright in the lyrics "WHAT'S COOKING IN THIS BOOK" and defendants' access to the lyrics. Defendants contend, however, that the Complaint, which incorporates plaintiff's and Prince's lyrics, does not sufficiently allege substantial similarity.

Plaintiff has responded that a

comparison of the lyrics for the purpose of determining whether they are substantially similar is inappropriate at this time. Rather, plaintiff's contend that analysis under the "fair use" doctrine is required by the circumstances of this case and that, under a fair use analysis, this action may not be dismissed.

The fair use doctrine is a defense that may be raised as a justification for the use of copyrighted material when such use would otherwise constitute infringement. See Harper & Row Publishers v. Nation Enterprises, 471 U.S. 539, 548 (1985). Therefore, before this Court may analyze this case under the fair use doctrine there must have been a use of plaintiff's lyrics "WHAT'S COOKING IN THIS BOOK" that would constitute an infringement of her copyright. Defendants,

however, have not raised the fair use doctrine as a defense. Instead, they contend that the fair use doctrine is inapplicable because there is no substantial similarity between plaintiff's and defendant's works and, therefore, no infringement.

Based upon a review of the two works, the Court agrees with the defendants contention that no reasonable trier of fact, comparing the works as a whole, would consider Prince's work so similar to plaintiff's that the factfinder would conclude that the defendant unlawfully appropriated plaintiff's work. See Walker, 784 F.2d at 48; Atari, Inc. v. North American Philips Consumer Electronics Corp., 672 F.2d 607, 614 (7th Cir. 1982), cert. denied, 459 U.S. 880 (1982). Therefore, Count I of plaintiff's Complaint must be dismissed.

II. Accounting

Count II of plaintiff's Complaint seeks an accounting from John L. Nelson for compensation he received from Prince Rogers Nelson and PRN Productions, Inc. for the use of lyrics John L. Nelson allegedly co-authored with Lorna Nelson. As alleged, plaintiff's claim for an accounting arises under state law. Although plaintiff requested leave to amend Count II to state a federal cause of action by seeking a declaratory judgment that John L. Nelson co-authored the lyrics at issue in Count II, Magistrate Boline has denied that request. Because Count II arises under state law and because the Court has dismissed Count I, plaintiff's only claim arising under federal law, Count II will be dismissed without prejudice. Stokes v. Lokken,

644 F.2d 779, 785 (8th Cir. 1981).

Accordingly, IT IS HEREBY ORDERED that defendants' motion to dismiss Counts I and II of the Complaint is granted.

Dated: April 27, 1988

/s/ David S. Doty

David S. Doty, Judge
United States District Court

LET JUDGMENT BE ENTERED.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

Lorna L. Nelson, CASE NO.: 4-87-722

Plaintiff,

vs. DATE: April 7, 1988

PRN Productions,

INC.; Prince Rogers

Nelson; John L.

Nelson; Duane J.

Nelson,

Defendants. MINNEAPOLIS, MN

TRANSCRIPT OF PROCEEDINGS

BEFORE U. S. DISTRICT JUDGE DAVID S. DOTY

APPEARANCES:

For Plaintiff: HERMAN H. BAINS and

MARCIA BAINES-GREBNER

For Defendant: JERRY W. SNIDER

THE COURT: I wouldn't put either of you in to that position.

MR. BAINS: Well --

THE COURT: I hope you don't try. But I think both have a good argument from what I can see.

MR. BAINS: Right.

I think that one of the things the court is going to have to grapple with is that this copyrighted work is unpublished.

And that either matters or it doesn't matter.

The court also has to take into consideration that plaintiff kept her work in confidence at her apartment.

You have to also consider that the access was unauthorized.

She authorized no one to take it, to use it, or to show it to someone else.

And that either matters, or it doesn't matter, in the court's determination.

And the court has to determine -- if those facts are true, and they do matter -- whether the plaintiff's right of first publication has been destroyed by this taking.

Now I am not sure what Mr. Snider just said, but I think he said that they claim they did not use it.

Now when they resisted our motion for discovery, as I recollect it, they said, "Whether we admit to using it, or not using it, is not relevant".

At least that is what I understood them to say.

Now as I stand here today, it apparently seems that it does matter whether they will admit to using it or not using

it.

They are saying today they didn't use it.

Now I don't know where that places the court, after not having allowed us to make discovery on that point.

THE COURT: As I understood it then -- and I think I still understand it; and I want to make it clear so that you understand where I am coming from -- what I understand the plaintiff is saying is that it is irrelevant --

MR. SNIDER: (Nods head up and down)

THE COURT: -- the legal point is irrelevant because he's saying that they didn't use it, but that is not relevant for the court's consideration --

MR. SNIDER: (Nods head up and down)

THE COURT: -- what is relevant for the court's consideration is a pure comparison; that the court ought to look at whether the accused lyrics in fact infringe; and that under Mr. Snider's theory that the no use doctrine is really not important; what it is, is a -- well, it's a no-use doctrine, but I've got to make what he calls the ordinary-observer test.

And if I sit here as an ordinary observer -- and I suspect that when it comes to rock lyrics I am maybe not terribly ordinary because I am not familiar with them -- but at least I can look at the words.

And then I look at the words and compare them.

And if they have any kind of comparison, then we can find infringement.

And if they don't, they don't.

MR. BAINS: I guess this is where I depart from him, and where I think the court -- I don't know whether that's what you're saying your function is.

But before you get to this, the only factual context in which you make this so-called comparison has to be done in the factual context that plaintiff's work was unpublished, it was held in confidence, and -- as far as we are concerned -- it was stolen.

She didn't authorize anybody to take it.

And it was used to produce a commercial hit that was a smash hit.

So that --

THE COURT: Let me ask you a question, Mr. Bains.

MR. BAINS: Sure.

THE COURT: Is it your interpretation of the law, that the court must determine first that there was some purloining of the lyrics?

I mean I don't see my role as determining whether there was thievery here.

It is my understanding of my role to determine, whatever the access was -- and I think for this motion, as I understand it, Mr. Snider is saying his client admits access, for purposes of argument, if nothing else --

MR. SNIDER: (Nods head up and down)

THE COURT: They are not getting into the whole idea of where it came from, how it got there.

They say they had access to it.

And so that, in other words, they

saw it.

And he is just admitting that for purposes of this argument.

MR. SNIDER: (Nods head up and down)

THE COURT: But he's saying that even if there was access -- and I suspect he would say legal or illegal -- that it is the role of the court to now see, for purposes of this copyright infringement, as to whether there was an infringement.

Not whether there was purloining of the lyrics.

MR. BAINS: Now I don't think that is the law at all.

I think if you read -- we say one case controls this whole thing; and that is Harper and Roe versus Nations.

Let me tell you about that case.

The copyrighted work was the

manuscript of President Ford.

He cut a deal with Harper and Roe and Reader's Digest to publish it.

And they cut a deal with Time magazine to serialize it.

He apparently delievered the manuscript to them.

And the infringer found out about it, and took it.

And the Supreme Court said, "Look: As to infringement, the court has to consider whether the use is fair."

They say that because the work was unpublished.

A copyright owner has the right of first publication, whether to publish or not publish.

That is the critical thing.

That has a lot to do with the nature of the work.

If you run then to the question of whether they are substantially similar, then the court can make the comparison in the way they do in a conventional copyright case.

Where the work is out there, it's either been voluntarily given to the defendants, or it's been published, and plaintiff's rights are not diminished one bit.

But here we have an unpublished work. Plaintiff hadn't decided whether she wanted to publish it or not.

Somehow they got it.

She kept it in confidence.

And when you come to this point of making this comparison, whether it was published or unpublished, it is critical that, if it's unpublished, you just don't say whether they are substantially similar.

You say whether the use was fair.

And in the Jerry Ford case the manuscript was 655 pages long.

They copied phrases, from the 655 page manuscript, that amounted to one page -- if you put it all together.

And they said it was unfair.

And they said it was unfair because it was unpublished, it was held in confidence, and somehow the defendants gained unauthorized access.

That is what the court has to do.

That is the way the court has to look at this case when you are making this comparison.

That is the only thing that you can do, I think.

THE COURT: Are you saying or suggesting that the only inquiry, that the court has, is to determine whether

there's been unfair use?

MR. BAINS: That is -- absolutely.

THE COURT: Okay. And how does the court go about that, other than by looking at and making a comparison -- just as you are suggesting; right? --

MR. BAINS: The statute has a fair use provision.

THE COURT: Right.

MR. BAINS: And it instructs the trier of fact and law to make 4 factual inquiries.

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

Lorna L. Nelson, Plaintiff,	)	Civil No. 4-87-722
v.	)	ORDER
PRN Productions, Inc., Prince Rogers Nelson, John L. Nelson, and Duane J. Nelson, Defendants.	)	

Herman H. Bains, Esq., 608 Second Avenue South, Suite 1010, Minneapolis, MN 55402, for plaintiff.

Calvin L. Litsey, Esq. and Faegre & Benson, 2300 Multifoods Tower, 33 South Sixth Street, Minneapolis, MN 55402, for defendants.

This matter is before the Court upon defendants' appeal of an Order issued by

FILED 2-10-88

JUDGMENT ENTERED _____

United States Magistrate Floyd E. Boline. By the Order dated December 14, 1987, the Magistrate denied defendants' motion for a temporary stay of discovery and granted plaintiff's motion for leave to depose Prince Rogers Nelson and John Nelson prior to argument on defendants' motion to dismiss Counts I and II of the Complaint.

According to defendants, the discovery plaintiff seeks is unnecessary and unduly burdensome because the information sought is irrelevant to the question whether Count I states a claim upon which relief may be granted and the question whether Count II must be dismissed, if Count I is dismissed, for lack of subject matter jurisdiction. Plaintiff argues that discovery is necessary to respond to defendants' 12(b)(6) motion because discovery will reveal whether defendants

admit or deny use or copying of plaintiff's copyrighted work. With regard to Count II, plaintiff argues that taking the deposition of John Nelson may reveal information enabling plaintiff to amend her Complaint to state a federal cause of action.

The Court is unpersuaded that discovery may be useful in aiding plaintiff in her response to defendants' 12(b)(6) motion and no discovery will be permitted on Count I. Further, defendants are correct in their assertion that the requested discovery is unnecessary to the determination whether federal subject matter jurisdiction exists over Count II. The Court, however, also recognizes that discovery may enable the plaintiff to amend her Complaint to include another federal cause of action, thereby preserving federal jurisdiction. In order to avoid dismissal

will not be permitted any discovery from Prince Rogers Nelson. Argument on defendants' motion to dismiss scheduled for February 26, 1988 at 11:00 a.m. is continued until April 8, 1988 at 11:00 a.m. to accommodate this discovery schedule.

Accordingly, IT IS HEREBY ORDERED that the Magistrate's Order dated December 14, 1987 is affirmed in part as modified and reversed in part.

Dated: February 9, 1988

/s/ David S. Doty

David S. Doty
United States District Court

will not be permitted any discovery from Prince Rogers Nelson. Argument on defendants' motion to dismiss scheduled for February 26, 1988 at 11:00 a.m. is continued until April 8, 1988 at 11:00 a.m. to accommodate this discovery schedule.

Accordingly, IT IS HEREBY ORDERED that the Magistrate's Order dated December 14, 1987 is affirmed in part as modified and reversed in part.

Dated: February 9, 1988

/s/ David S. Doty

David S. Doty
United States District Court

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

LORNA L. NELSON,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
vs.	)	
	)	4-87-722
PRN PRODUCTIONS, INC.,	)	
PRINCE ROGERS NELSON,	)	
JOHN L. NELSON, and	)	
DUANE J. NELSON,	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff, for her Complaint, states and alleges that:

COUNT I

COPYRIGHT INFRINGEMENT

1. This action arises under the Copyright Laws of the United States, and jurisdiction of this Court is founded on such Laws and on Title 28, United States

Code, § 1338(a). The venue is proper under 28 U.S.C. § 1400(a).

2. Plaintiff, LORNA NELSON, is an individual, residing at 3121 Pillsbury Avenue, Minneapolis, Minnesota 55408.

3. Plaintiff, LORNA NELSON, has created and written several lyrics for adaptation to rock music, including the unpublished work entitled, "WHAT'S COOKING IN THIS BOOK". Dominant recurring expressions in "WHAT'S COOKING IN THIS BOOK" are ". . . TAKE A (ANOTHER) LOOK" and ". . . COOKING IN THIS BOOK".

4. Plaintiff has obtained and is the owner of Copyright Registration No. PAu 908-566 of the unpublished work entitled, "WHAT'S COOKING IN THIS BOOK", and a copy of this work and the Copyright Registration is attached hereto as Exhibit "A".

5. Defendant, PRN PRODUCTIONS, INC., is a corporation, having a principal place of business at 7801 Audubon Road, Chanhassen, Minnesota 55317, and is engaged in the business of manufacturing, producing, and distributing phonograph records featuring PRINCE ROGERS NELSON, an internationally-known rock recording star, performer, vocalist, and writer-composer.

6. Defendant, PRINCE ROGERS NELSON, an individual, is the half-brother of Plaintiff, LORNA NELSON; and, on information and belief, resides at 7801 Audubon Road, Chanhassen, Minnesota 55317, and is the owner of PRN PRODUCTIONS, INC.

7. Defendant, JOHN L. NELSON, an individual, is the father of Plaintiff, LORNA NELSON and Defendants PRINCE NELSON and DUANE NELSON; and, on information

and belief, resides at 7801 Audubon Road, Chanhassen, Minnesota 55317.

8. Defendant, PRINCE NELSON, is a performer, writer, and composer of rock music and is the principal singer featured in record albums and single albums manufactured, produced, and distributed by PRN PRODUCTIONS.

9. Defendant, DUANE J. NELSON, is an individual, residing at 539 Newton Avenue North, Minneapolis, Minnesota, is employed by PRN PRODUCTIONS, and is the brother of LORNA NELSON and the half-brother of PRINCE NELSON.

10. During the years 1982 through the Spring of 1987, DUANE NELSON was a frequent visitor to the residence of Plaintiff; and, during such visits, DUANE NELSON was allowed to casually review and inspect lyrics written and

owned by LORNA NELSON, including lyrics for which Plaintiff had obtained Copyright Registrations and others for which no Copyright Registration had been obtained.

11. On information and belief, DUANE NELSON, without permission of Plaintiff, obtained a copy of Plaintiff's copyrighted unpublished work entitled, "WHAT'S COOKING IN THIS BOOK", and delivered this copy to PRN PRODUCTIONS and PRINCE NELSON.

12. In 1987, PRN PRODUCTIONS and PRINCE NELSON manufactured, produced, and distributed the record album entitled, "SIGN OF THE TIMES", which included the song "U GOT THAT LOOK", consisting of lyrics in which the dominant expressions of refrain are "U GOT THE LOOK" and "COOKING IN MY BOOK". The dominant expressions of refrain in the song "U GOT THAT LOOK" are strikingly similar

to the dominant recurring expressions of Plaintiff's copyrighted unpublished work entitled, "WHAT'S COOKING IN THIS BOOK", and constitute an infringement thereof. This infringement was committed willfully and deliberately. A copy of the album jacket for the album "SIGN OF THE TIMES" is attached hereto as Exhibit "B".

13. Defendants were notified of Plaintiff's Copyright Registration by a letter dated April 10, 1987 to PRN PRODUCTIONS, in which Plaintiff sought to have this matter resolved.

14. Defendants, through their Attorneys, responded in a letter, dated May 29, 1987, denying, in effect, infringement of Plaintiff's copyright by Defendants.

15. Defendant, DUANE NELSON, is among those persons listed on the album entitled, "SIGN OF THE TIMES", credited

to having made a contribution to the album's production; and, on information and belief, the designation credit of DUANE NELSON was as an author or co-author of the song, "U GOT THAT LOOK".

16. On information and belief, Defendants, PRN PRODUCTIONS, INC. and PRINCE NELSON manufactured, produced, and distributed a single record recording on one side thereof entitled, "U GOT THAT LOOK", featuring SHEENA EASTON, an internationally known recording star, and PRINCE NELSON, as vocalists. The manufacture, production, and distribution of this record constitute an infringement of Plasintiff's unpublished copyrighted work entitlted, "WHAT'S COOKING IN THIS BOOK".

17. On information and belief, Defendants, PRN PRODUCTIONS, INC. and

PRINCE NELSON, have manufactured, produced, and distributed a video and a sound track, featuring PRINCE NELSON and SHEENA EASTON, performing "U GOT THAT LOOK". The manufacture, production, and distribution of this video and sound track constitute an infringement of Plaintiff's unpublished copyrighted work entitled, "WHAT'S COOKING IN THIS BOOK".

18. Defendants continue to, and will continue to, infringe Plaintiff's copyright in the unpublished work entitled, WHAT'S COOKING IN THIS BOOK", all to Plaintiff's substantial and irreparable injury and damage, unless enjoined by this Court.

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

LORNA L. NELSON, Plaintiff,	)	
vs.	)	Civil Action No. 4-87-722
PRN PRODUCTIONS, INC., PRINCE ROGERS NELSON, JOHN L. NELSON, and DUANE J. NELSON, Defendants.	)	

AFFIDAVIT OF LORNA L. NELSON

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

LORNA L. NELSON, being first duly sworn, deposes and says as follows:

1. That she is the Plaintiff in the above-captioned matter and resides at 3121 Pillsbury Avenue, Minneapolis, Minnesota 55408.

2. That she is the author of several unpublished lyrics, including the lyric entitled, "WHAT'S COOKING IN THIS BOOK".

3. That the unpublished lyric, "WHAT'S COOKING IN THIS BOOK", was retained and held in confidence by Affiant at Affiant's residence and was never disclosed to Defendants Prince Rogers Nelson and PRN Productions, Inc., nor did Affiant authorize access to the contents of this lyric to Prince Rogers Nelson and PRN Productions, Inc.

4. That during the years 1958 through 1977, and after Affiant's mother died in 1973, Affiant was involved in the rearing and care of her brother, Defendant Duane J. Nelson. Defendant Duane J. Nelson frequently visited Affiant's residence from 1982 through the Spring of 1987. The purpose of these

frequent visits by Defendant Duane J. Nelson to Affiant's residence was in no way related to Affiant's unpublished lyrics, and, on information and belief, the visits were made as a result of the close familial relationship between Affiant and Defendant Duane J. Nelson.

5. That, on information and belief, Affiant does not believe that Defendant Duane J. Nelson has ever wrtten lyrics for any music, including rock music and rhythm and blues.

6. That Plaintiff's unpublished lyrics, including the lyric, "WHAT'S COOKING IN THIS BOOK", may have been casually examined by Affiant's brother, Defendant Duane J. Nelson, during the course of his frequent visits to Plaintiff's residence from 1982 through the Spring of 1987, but Affiant never

authorized Defendant Duane J. Nelson to use the lyric, "WHAT'S COOKING IN THIS BOOK", in any way, or to remove the lyric from her residence or to disclose the contents of the lyric, "WHAT'S COOKING IN THIS BOOK" to anyone, including Prince Rogers Nelson and PRN Productions, Inc., for any purposes.

7. That Affiant has never authorized access to any of her lyrics, including her unpublished lyric, "WHAT'S COOKING IN THIS BOOK", to anyone, and any such access to the lyric, "WHAT'S COOKING IN THIS BOOK", was without her knowledge and without her permission, and was an illegal appropriation of the contents thereof and constitutes a purloined taking of Affiant's lyric, "WHAT'S COOKING IN THIS BOOK".

8. That Defendant John L. Nelson is the father of Affiant; and during the years 1979 through 1984, Affiant and Defendant John L. Nelson collaborated in the writing of several lyrics, including the lyrics, "LOVE FOR MONEY" and "TAKING MY MIND ON A VACATION". In November, 1984, Defendant John L. Nelson advised Affiant in a telephone conversation that he (Defendant John L. Nelson) had executed contracts with Defendants Prince Rogers Nelson and PRN Productions, Inc. with respect to certain lyrics to be embodied in a forthcoming album to be produced by Prince Rogers Nelson and PRN Productions, Inc. On information and belief, Affiant believes that the lyrics involved were "LOVE FOR MONEY" and "TAKING MY MIND ON A VACATION", which

were respectively adapted by Prince Rogers Nelson and PRN Productions, Inc. as "LOVE OR MONEY" and "AROUND THE WORLD IN A DAY". The song "AROUND THE WORLD IN A DAY" is included in the album, "AROUND THE WORLD IN A DAY", and the song "LOVE OR MONEY" is embodied in a single record. On information and belief, Affiant believes Defendant John L. Nelson was compensated by Defendants Prince Rogers Nelson and PRN Productions, Inc. for the production and distribution of the lyrics entitled "AROUND THE WORLD IN A DAY" and "LOVE OR MONEY", pursuant to contracts referred to hereinabove.

Further Affiant sayeth not.

/s/ Lorna L. Nelson

LORNA L. NELSON

Subscribed and sworn to before me

this 25th day of March, 1988.

/s/ Irene M. Cavanagh

NOTARY PUBLIC

IRENE M. CAVANAGH

NOTARY PUBLIC MINNESOTA

HENNEPIN COUNTY

My Commission Expires Aug. 11, 1989

PRODUCED, ARRANGED, COMPOSED, ♥ AND

PERFORMED ♥ BY PRINCE

INCLUDES:

SIGN "O" THE TIMES

PLAY IN THE SUNSHINE

BAR

HOUSEQUAKE

GRILL

THE BALLAD OF DOROTHY PARKER

IT

STARFISH AND COFFEE

SLOW LOVE

HOT THING

FOREVER IN MY LIFE

ARCADE

U GOT THE LOOK

IF I WAS YOUR GIRLFRIEND

STRANGE RELATIONSHIP

I COULD NEVER TAKE THE PLACE

OF YOUR MAN

DRUG

THE CROSS

IT'S GONNA BE A BEAUTIFUL NIGHT

ADORE

♥ EXCEPT WHERE INDICATED

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

FOURTH DIVISION

LORNA L. NELSON,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	4-87-722
PRN PRODUCTIONS, INC.,	)	
PRINCE ROGERS NELSON,	)	
JOHN L. NELSON, and	)	
DUANE J. NELSON,	)	
	)	
Defendants.	)	

AFFIDAVIT OF HERMAN H. BAINS

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

HERMAN H. BAINS, being first duly sworn, deposes and says as follows:

1. That I am an Attorney of record in the above-captioned matter.

2. Billboard magazine is a trade publication for the music and recording

trade and is issued weekly. The publication contains, among other things, various charts showing the relative positions of popular commercial records and albums with respect to sales, radio play lists, airplay, and dance club play lists. One Billboard magazine chart, entitled, "Hot Dance - 12-inch Single Sales", shows the relative sales position of 12-inch single records and is based on retail store sales reports. Two (2) additional Billboard charts, entitled, "Hot Black Singles Sales and Airplay", show the relative sales positions and airplay, respectively, of single records by black artists. Another Billboard magazine chart, entitled, "Hot Black Singles", shows the relative position of single records by black artists, based on samples of retail store and one-stop sales reports and radio play lists.

Another Billboard magazine chart, entitled, "Top Black Albums", illustrates the relative position of albums by black artists and is based upon information compiled from a national sample of retail and one-stop sales reports. Finally, an additional Billboard chart is entitled, "Hot Crossover 30", and shows the relative position of single records which receive airplay in more than one market. Enclosed herewith as "EXHIBIT A" is the cover from the Billboard magazine issued September 26, 1987 and certain pages therefrom illustrating the above-mentioned charts.

3. On information and belief, Affiant believes that the charts mentioned in Paragraph 2 hereinabove, and the relative positions of the songs and albums listed therein, are accurate and reliable, based upon the listed information

used to prepare the charts.

4. Affiant reviewed the weekly issues of the Billboard magazine for the months March, 1987 through December, 1987, and charted the position of the album, "SIGN 'O' THE TIMES", containing the accused work, "U GOT THE LOOK". Affiant also charted the relative position of the single record for the accused work, "U GOT THE LOOK". The relative position of the accused work, "U GOT THE LOOK", appears in the tables below, which designate the weekly issue date of Billboard magazine and the relative position of the accused work for the charts "Hot Crossover 30", "Hot Black Singles", "Hot Black Single Sales and Airplay", and "Hot Dance 12-inch Single Sales" as follows:

U GOT THE LOOK

Hot Crossover 30		Hot Black Singles	
Date	Position	Date	Position
8-22-87	26	8-8-87	54
8-29-87	16	8-15-87	43
9-5-87	13	8-22-87	32
9-12-87	10	8-29-87	27
9-19-87	7	9-5-87	21
9-26-87	3	9-12-87	14
10-3-87	4	9-19-87	13
10-10-87	5	9-26-87	11
10-17-87	5	10-3-87	15
10-24-87	5	10-10-87	21
10-31-87	9	10-17-87	35
11-7-87	9	10-24-87	73
11-14-87	19	10-31-87	81
11-21-87	24		

Hot Black Singles - Sales		Hot Black Singles - Airplay	
Date	Position	Date	Position
8-29-87	38	8-15-87	36
9-5-87	26	8-22-87	27
9-12-87	25	8-29-87	22
9-19-87	19	9-5-87	17
9-26-87	18	9-12-87	13
10-3-87	15	9-19-87	11
10-10-87	16	9-26-87	10
10-17-87	22	10-2-87	16

Hot Dance Disco

- 12" Single Sales

Date	Position
9-5-87	20
9-12-87	20
9-19-87	21
9-26-87	18
10-3-87	20
10-10-87	23
10-17-87	24
10-24-87	33
10-31-87	39.

5. The relative position of the album, "SIGN 'O' THE TIMES", containing the accused work, "U GOT THE LOOK", appears in the table below, which designates the weekly issue of Billboard magazine and relative position of the album for the chart, "Top Black Albums", as follows:

Top Black Albums

Date	Position	Date	Position
5-2-87	7	9-5-87	23
5-9-87	5	9-12-87	21
5-16-87	4	9-19-87	21
5-23-87	4	9-26-87	24
5-30-87	4	10-3-87	27
6-6-87	4	10-10-87	24
6-13-87	5	10-17-87	24
6-20-87	8	10-24-87	23
6-27-87	10	10-31-87	28
7-4-87	13	11-7-87	28
7-11-87	15	11-14-87	31
7-18-87	15	11-21-87	37
7-25-87	16	11-28-87	47.
8-1-87	15		
8-8-87	15		
8-15-87	16		
8-22-87	17		
8-29-87	21		

6. The music and recording industry annually recognizes outstanding musicians, recording artists, songwriters, and others by awarding "Grammy Awards". Defendant Prince Rogers Nelson was nominated for two (2) Grammy Awards with respect to the accused work, "U GOT THE LOOK", and was also nominated for a Grammy Award with respect to the album, "SIGN 'O' THE TIMES". On information and belief, Affiant believes that the popularity of the accused work, "U GOT THE LOOK", strongly contributed to the commercial success of the album, "SIGN 'O' THE TIMES".

7. Affiant believes that the tables included herein, and the recognition given by the music and recording industry, clearly show the commercial success and popularity of the accused work,

"U GOT THE LOOK".

Further Affiant sayeth not.

/s/ Herman H. Bains

HERMAN H. BAINS

Subscribed and sworn to before me
this 25th day of March, 1988.

/s/ Irene M. Cavanagh

NOTARY PUBLIC

IRENE M. CAVANAGH
NOTARY PUBLIC MINNESOTA
HENNEPIN COUNTY
My Commission Expires Aug. 11, 1989

Newspaper

BILLBOARD

VOLUME 99 NO. 39

THE INTERNATIONAL NEWSWEEKLY OF MUSIC

AND HOME ENTERTAINMENT

September 26, 1987/$3.95 (U.S.),

$5 (CAN.)

'Platoon' to Carry Iacocca

Tribute to Vietnam Vets

Definition of Format Eludes Confab

'Wave' Takes NAB By Storm

$89.95 Vid Tag: Business As Usual

Song Contest Names Stars As Judges

'Bad' Grooves On Black Vinyl, Dealers Say

Advertisement:

LIFE'S HARD AND THEN YOU DIE

The Debut Album From IT'S IMMATERIAL

Featuring the Single DRIVING AWAY FROM HOME

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT CROSSOVER 30™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	ARTIST	TITLE
1	1	1	9	LISA LISA & CULT JAM	LOST IN EMOTION
2	2	4	8	WHITNEY HOUSTON	DIDN'T WE ALMOST HAVE IT ALL
3	7	10	6	PRINCE	U GOT THE LOOK

* Only pertinent parts of this Chart have been reproduced.

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
1	2	4	8	I NEED LOVE	L.L. COOL J
2	4	6	9	LOST IN EMOTION	LISA LISA & CULT JAM
3	7	11	8	(YOU'RE PUTTIN') A RUSH ON ME	STEPHANIE MILLS
4	5	7	9	DIDN'T WE ALMOST HAVE IT ALL	WHITNEY HOUSTON

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
5	6	8	10	NO ONE IN THE WORLD	ANITA BAKER
6	8	10	11	HOW SOON WE FORGET	COLONEL ABRAMS
7	1	2	8	I JUST CAN'T STOP LOVING YOU	MICHAEL JACKSON WITH SIEDAH GARRETT
8	3	1	13	LOVE IS A HOUSE	FORCE M.D.'S

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
9	12	17	9	JUST THAT TYPE OF GIRL	MADAME X
10	16	21	9	WE'VE ONLY JUST BEGUN (THE ROMANCE IS NOT OVER)	GLENN JONES
11	13	14	9	U GOT THE LOOK	PRINCE

* Only pertinent portions of this Chart have been reproduced.

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES SALES & AIRPLAY™ SALES

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
1	1	I JUST CAN'T STOP LOVING YOU	MICHAEL JACKSON	7
2	4	I NEED LOVE	L.L. COOL J	1
3	9	LOST IN EMOTION	LISA LISA & CULT JAM	2
4	2	LOVE IS A HOUSE	FORCE M.D.'S	8

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES SALES & AIRPLAY™

SALES

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
5	3	CASANOVA	LEVERT	12
6	5	DIDN'T WE ALMOST HAVE IT ALL	WHITNEY HOUSTON	4
7	12	(YOU"RE PUTTIN') A RUSH ON ME	STEPHANIE MILLS	3
8	8	WIPEOUT	FAT BOYS & THE BEACH BOYS	15

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES

SALES & AIRPLAY™

SALES

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
9	13	NO ONE IN THE WORLD	ANITA BAKER	5
10	10	HOW SOON WE FORGET	COLONEL ABRAMS	6
11	6	LOVE POWER	DIONNE WARWICK & JEFFREY OSBORNE	23
12	16	CINDERFELLA DANA DANE	DANA DANE	16

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES SALES & AIRPLAY™ SALES

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
13	11	MAKING LOVE IN THE RAIN	HERB ALPERT	21
14	17	LATELY	SURFACE	14
15	7	ONE HEARTBEAT	SMOKEY ROBINSON	32
16	18	JUST THAT TYPE OF GIRL	MADAME X	9
17	14	TRAMP	SALT-N-PEPA	29

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES SALES & AIRPLAY™ SALES

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
18	19	U GOT THE LOOK	PRINCE	11

* Only pertinent portions of this Chart have been reproduced.

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES

SALES & AIRPLAY™

AIRPLAY

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
1	4	LOST IN EMOTION	LISA LISA & CULT JAM	2
2	6	(YOU'RE PUTTIN') A RUSH ON ME	STEPHANIE MILLS	3
3	2	NO ONE IN THE WORLD	ANITA BAKER	5
4	3	I NEED LOVE	L.L. COOL J	1

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES

SALES & AIRPLAY™

AIRPLAY

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
5	5	DIDN'T WE ALMOST HAVE IT ALL	WHITNEY HOUSTON	4
6	9	JUST THAT TYPE OF GIRL	MADAME X	9
7	12	WE'VE ONLY JUST BEGUN	GLENN JONES	10
8	10	JUST CALL	SHERRICK	13

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT BLACK SINGLES

SALES & AIRPLAY™

AIRPLAY

THIS WEEK	LAST WEEK	TITLE	ARTIST	HOT BLACK POSITION
9	8	HOW SOON WE FORGET	COLONEL ABRAMS	6
10	11	U GOT THE LOOK	PRINCE	11

* Only pertinent portions of this Chart have been reproduced.

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® TOP BLACK ALBUMS™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	ARTIST	TITLE
1	1	1	15	L.L. COOL J	BIGGER & DEFFER
2	2	2	14	STEPHANIE MILLS	IF I WERE YOUR WOMAN
3	NEW		1	MICHAEL JACKSON	BAD
4	4	6	6	LEVERT	THE BIG THROWDOWN
5	3	4	14	WHITNEY HOUSTON	WHITNEY
6	6	3	18	THE WHISPERS	JUST GETS BETTER WITH TIME

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® TOP BLACK ALBUMS™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	ARTIST	TITLE
7	7	7	6	ALEXANDER O'NEAL	HEARSAY
8	5	5	16	THE FAT BOYS	CRUSHIN'
9	8	8	27	SMOKEY ROBINSON	ONE HEARTBEAT
10	10	11	26	SALT-N-PEPA	HOT, COOL & VICIOUS
11	12	12	11	NATALIE COLE	EVER-LASTING
12	9	9	47	FREDDIE JACKSON	JUST LIKE THE FIRST TIME

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® TOP BLACK ALBUMS™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	ARTIST	TITLE
13	13	17	7	FORCE M.D.'S	TOUCH AND GO
14	14	16	5	UFTO	LETHAL
15	17	18	5	DANA DANE	DANA DANE WITH FAME
16	11	20	55	KENNY G.	DUOTONES
17	15	15	7	ERIC B. & RAKIM	PAID IN FULL
18	19	19	20	LISA LISA & CULT JAM	SPANISH FLY
19	16	14	25	MARVIN SEASE	MARVIN SEASE

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® TOP BLACK ALBUMS™

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	ARTIST	TITLE
20	18	13	15	THE ISLEY BROTHERS	SMOOTH SAILIN'
21	22	26	16	JONATHAN BUTLER	JONATHAN BUTLER
22	20	22	23	LILLO THOMAS	LILLO
23	23	27	77	ANITA BAKER	RAPTURE
24	21	21	22	PRINCE	SIGN 'O' THE TIMES

* Only pertinent portions of this Chart have been reproduced.

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT DANCE™

12-INCH SINGLES SALES

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
1	1	2	13	DREAMIN' (REMIX)	WILL TO POWER
2	3	6	9	CASANOVA	LEVERT
3	2	3	8	WHO'S THAT GIRL (REMIX)	MADONNA
4	4	7	9	FULL CIRCLE (REMIX)	COMPANY B
5	5	9	10	BE MINE TONIGHT	PROMISE CIRCLE

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT DANCE™

12-INCH SINGLES SALES

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
6	6	12	8	CATCH ME I'M FALLING (REMIX)	PRETTY POISON
7	7	8	14	SILENT MORNING (REMIX)	NOEL
8	9	10	10	WHEN SMOKEY SINGS/ CHICAGO	ABC
9	12	13	8	I HEARD A RUMOR	BANANARAMA

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT DANCE™

12-INCH SINGLES SALES

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
10	14	18	5	LOST IN EMOTION (REMIX)	LISA LISA & CULT JAM
11	8	5	14	STRANGE-LOVE	DEPECHE MODE
12	11	11	10	HOW SOON WE FORGET	COLONEL ABRAMS
13	17	21	6	CRAZY LOVE	NANCY MARTINEZ
14	19	26	6	PARTY YOUR BODY	STEVIE B

FOR WEEK ENDING SEPTEMBER 26, 1987

BILLBOARD® HOT DANCE™

12-INCH SINGLES SALES

THIS WEEK	LAST WEEK	2 WKS AGO	WKS ON CHART	TITLE	ARTIST
15	18	28	5	POUR IT ON (REMIX)	MASON
16	20	22	6	SECRET AFFAIR (REMIX)	CLAUDJA BARRY
17	22	25	5	MIND OVER MATTER (REMIX)	E.G. DAILY
18	21	20	6	U GOT THE LOOK/ HOUSEQUAKE	PRINCE

* Only pertinent portions of this Chart have been reproduced.

CERTIFICATE OF COPYRIGHT REGISTRATION

UNITED STATES
COPYRIGHT OFFICE
THE LIBRARY OF CONGRESS
(OFFICIAL SEAL)

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

/s/ Register of Copyrights

FORM PA
UNITED STATES
COPYRIGHT OFFICE
REGISTRATION NO.
PAu 908-566
EFFECTIVE DATE
OF REGISTRATION
OCT 20 1986

1 TITLE OF THIS WORK

What's Cooking In This Book

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK

Collection of Words for Music

---

2 a NAME OF AUTHOR	DATES OF BIRTH AND DEATH Year Born	Year Died
Lorna L. Nelson	1942	Dec. 2

Was this contribution a "work made for hire"?	AUTHOR'S NATIONALITY OR DOMICILE	WAS THE AUTHOR'S CONTRIBUTION TO THE WORK
Yes ___	Citizen of	Anonymous?
No x	U.S.	___ Yes
	Domiciled in	___ No
		Pseudonymous?
		___ Yes
		___ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed.

Unpublished Words for Songs

---

b NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution a "work made for hire"?

Yes ___

No ___

AUTHOR'S NATIONALITY OR DOMICILE

Citizen of _____

Domiciled in _____

WAS THE AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

___ Yes

___ No

Pseudonymous?

___ Yes

___ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed.

---

c NAME OF AUTHOR	DATES OF BIRTH AND DEATH Year Born	 Year Died

---

Was this contribution a "work made for hire"?	AUTHOR'S NATIONALITY OR DOMICILE	WAS THE AUTHOR'S CONTRIBUTION TO THE WORK
Yes ___	Citizen of _____	Anonymous? ___ Yes ___ No
No ___	Domiciled in _____	Pseudonymous? ___ Yes ___ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

_____Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

_____

Month Day Year

_____Nation

4

APPLICATION RECEIVED

OCT. 20, 1986

ONE DEPOSIT RECEIVED

OCT. 20, 1986

COPYRIGHT CLAIMANT
Name and address
must be given

LORNA NELSON
3121 PILLSBURY AVE. SO.
MPLS. MINN. 55408

TWO DEPOSITS
RECEIVED

REMITTANCE NO.
AND DATE

TRANSFER

* Refers to
a previous
unrelated
registration.

PAu 908-566

EXAMINED BY FORM PA
HA

CHECKED BY

CORRESPONDENCE
x Yes

___ DEPOSIT ACCOUNT
FUNDS USED

PREVIOUS REGISTRATION Has registration 5 for this work, or for an earlier version of this work, already been made in the Copyright Office?

___ Yes x No

x This is the first published edition of a work previously registered in unpublished form.

___ This is the first application submitted by this author as copyright claimant.

___ This is a changed version of the work, as shown by space 6 of this application.

If your answer is "Yes", give:

Previous Registration No. 535022 *

Year of Registration 1983 *

DERIVATIVE WORK OF COMPILATION 6

a. Prexisting Material

b. Material Added to This Work

DEPOSIT ACCOUNT 7

Name Account No.

CORRESPONDENCE Give name and address to which correspondence about this application should be sent.

LORNA L. NELSON

3121 PILLSBURY AVE. SO. APT. 1208

MPLS. MINN. 55408

612

Area Code & Telephone No. 827-2277

CERTIFICATION I, the undersigned, 8

hereby certify that I am the

Check only one

___ author

___ other copyright claimant

_x_ owner of exclusive right(s)

___ authorized agent of

_____

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

_____

Typed or printed name and date

LORNA L. NELSON date Oct. 11, 1986

_____

Handwritten signature (x)

/s/ Lorna L. Nelson

_____

_____

MAIL	LORNA L. NELSON	9
CERTIFI-	3121 PILLSBURY AVE. SO.	
CATE	APT. 1208	
TO	MPLS. MINN. 55408	

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PRODUCED, ARRANGED, COMPOSED, ♥ AND

PERFORMED ♥ BY PRINCE

INCLUDES:

SIGN "O" THE TIMES

PLAY IN THE SUNSHINE

BAR

GRILL

HOUSEQUAKE

ROOMS

THE BALLAD OF DOROTHY PARKER

IT

STARFISH AND COFFEE

SLOW LOVE

HOT THING

FOREVER IN MY LIFE

ARCADE

U GOT THE LOOK

IF I WAS YOUR GIRLFRIEND

STRANGE RELATIONSHIP

I COULD NEVER TAKE THE PLACE

OF YOUR MAN

DRUG

THE CROSS

GIRLS

GIRLS

GIRLS

IT'S GONNA BE A BEAUTIFUL NIGHT

ADORE

♥ EXCEPT WHERE INDICATED

U GOT THE LOOK ·

Here We Are Folks ·

The Dream We All Dream Of ·

Boy Versus Girl In The World Series

Of Love ·

Tell Me, Have U Got The Look? ·

Tell Me, Have U Got The Look? ·

U Walked In, I Woke Up ·

I've Never Seen A Pretty Girl ·

Look So Tough, Baby ·

U Got That Look ·

Color U Peach And Black ·

Color Me Takin' Aback ·

Crucial, I Think I Wantcha ·

You've Got The Look, You've Got The Hook ·

U Sho 'Nuf Do Be Cookin' In My Book ·

Your Face Is Jammin' ·

Your Body's Heck-A-Slammin' ·

If Love Is Good, Let's Get 2 Rammin' ·

U Got The Look, U Got The Look ·

U Got The Look ·

U Must'A Took ·

A Whole Hour Just 2 Make Up Your Face,
Baby ·

Closin' Time, Ugly Lights, Everybody's
Inspected ·

But U Are A Natural Beauty Unaffected ·

Did I Say An Hour? ·

My Face Is Red ·

I Stand Corrected ·

You've Got The Look, You've Got The Look ·

U Sho 'Nuf Do Be Cookin' In My Book ·

Your Face Is Jammin' ·

You're Body's Heck-A-Slammin' ·

If Love Is Good, Let's Get 2 Rammin' ·

U Got The Look, U Got The Look ·

Well, Here We Are, Ladies And Gentlemen ·

The Dream We All Dream Of ·

Boy Versus Girl In the World Series
of Love ·

Slammin' ·

U Walked In ·

I Woke Up ·

I Never Seen Such A Pretty Girl
Look So Tough, Baby ·

U Got That Look, Yes You Do ·

Color U Peach And Black ·

Color Me Takin' Aback, Baby ·

Crucial, I Think I Wantcha ·

Vocals by Sheena Easton & Camille

Drums & Percussion by Sheila E.

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* Only pertinent parts of the album record jacket have been reproduced.